

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER R. DESMOND
PETITIONER

V.

Civil Act.No.96-327-GMS

THOMAS CARROLL, Warden.
Delaware Correctional Center,
M.Jane Brady, Attorney General
of the state of Delaware,
Respondents.

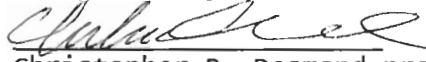
DEAR Judge Sleet

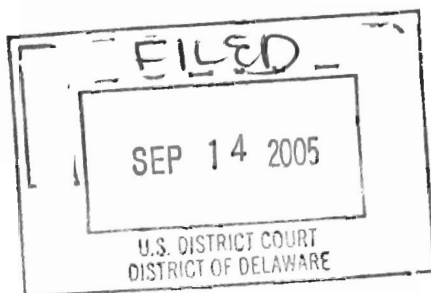
After a review of the state Court record it shows the last court of record The Delaware Supreme Court in Desmond v. State, Del.Sup.,692 A.2d 411 (1996) did not relie on any state procedural rule to deny my post-conviction motion Appeal. Therefore the Court's decision in Desmond v. Snyder, civ. Act. No. 96-327-GMS is in error at law.Bledsue v. Johnson, 188 F.3d 250 (5th Cir.1999)

Petitioner repectfully moves the Honorable Court for a new Habeas Corpus Petition without the precedural defaults of 28 U.S.C.A. Sub-Sec. 2254. The Law of the Case is flawed in Desmond. The court did not have the authority to hold petitioner to a state procedural Rule which the last State Court did not cite in its opinion.

Wherefore, Petitioner prays the Court revisit the Habeas Corpus petition without relining on a state procedural rule which is not cited in the last state Court.

Repectfully Yours


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